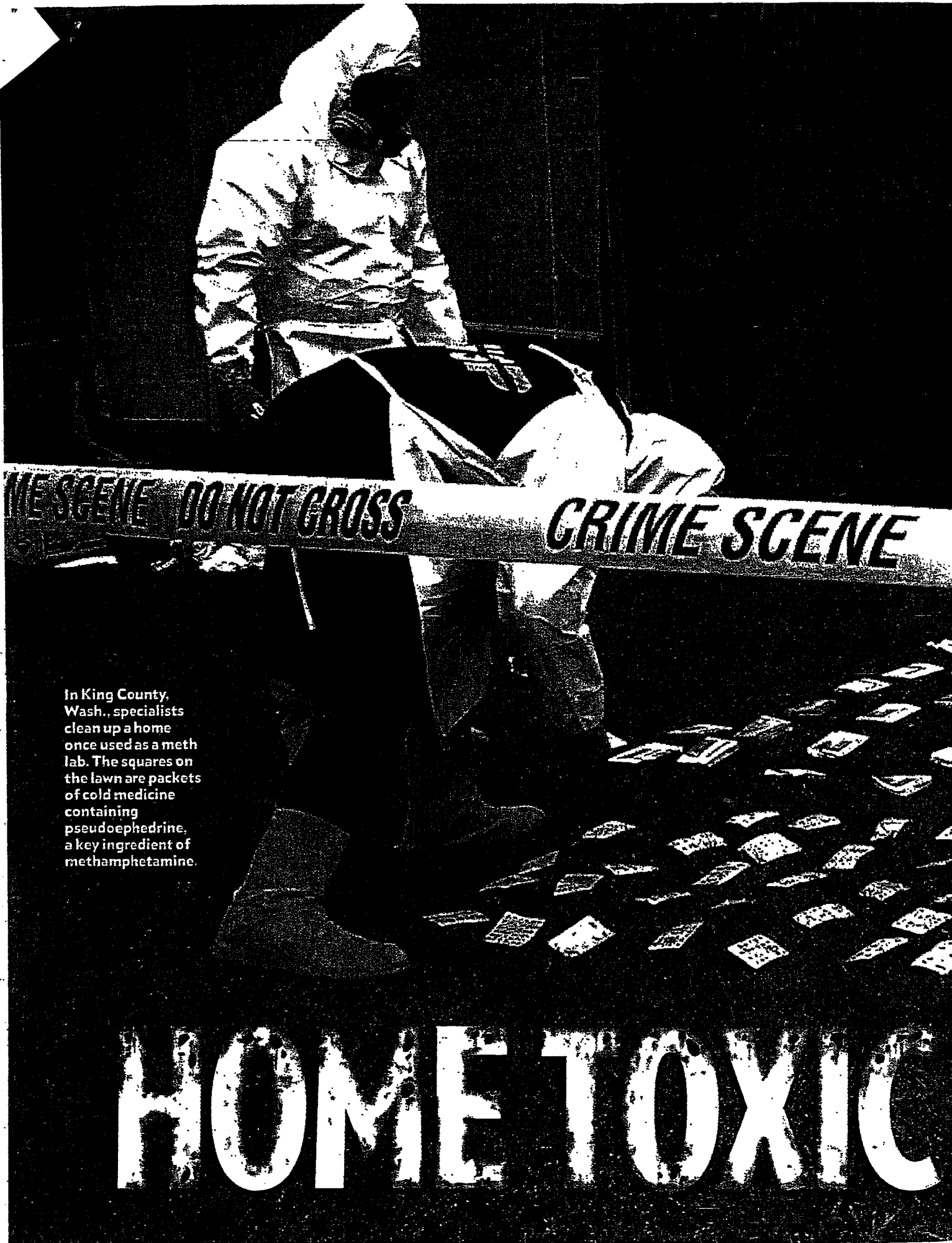


---

## Action Packet

# Health Care Regulation Committee

**Wednesday, February 22, 2006**  
**10:30 AM - 12:00 PM**  
**212 Knott Building**

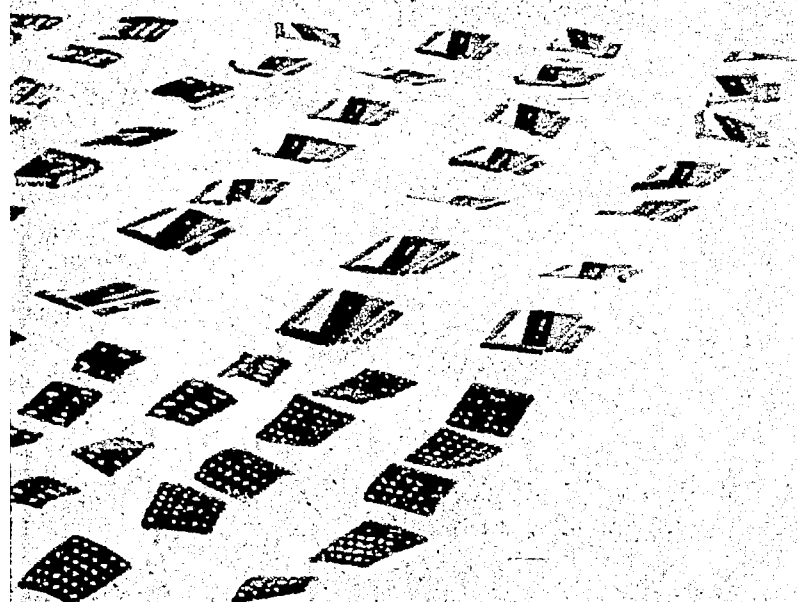


In King County, Wash., specialists clean up a home once used as a meth lab. The squares on the lawn are packets of cold medicine containing pseudoephedrine, a key ingredient of methamphetamine.

# HOMETOXIC



**DO NOT CROSS** **CRIM**



**HOME?**

Buyer beware:  
Owners of homes  
once used as  
methamphetamine  
labs are having  
health problems—  
and sometimes  
going broke trying  
to clean up their  
toxic houses

**F**or 20 years Kent and Cindy Needham scraped and scrimped, working long hours to support two daughters and eke out some savings. In the summer of 2002, with the girls grown, it was payback time—time to build the house of their dreams. “We’d had the plans drawn up for years,” says Cindy, 47, a bookkeeper and quilting teacher. Their strategy: Sell their modest house in Paradise, Calif., and move to a nicer home, which they would then sell after finishing construction on a place of their own design. They settled on a three-bedroom ranch in nearby Chico. At \$169,000 the price was right—barely. And as Kent, 49, a cabinetmaker, says of their \$15,000 down payment, “We put everything we had into it.”

Soon they’d be doing everything to get out of it. In June 2002, two weeks after moving in, the Needhams began to have baffling physical problems. Cindy, who suffers from multiple sclerosis, saw the return of long-dormant symptoms—muscle spasms and twitching. Kent broke out in excruciating blisters. “We joked,” Cindy says, “that he was allergic to the house.”

It was no gag when a neighbor revealed their home’s dark past: The seller, David Lewis, had used the house as a laboratory to produce methamphetamine, a drug now sweeping America. Known for its interise highs, meth can quickly transform casual users into junkies with symptoms ranging from rotten teeth to paranoia, increasing their risk of heart attack, stroke and liver damage. Meth is also easily made—with pseudoephedrine, an ingredient common in some over-the-counter cold medicines, household chemicals like iodine and a cooktop stove or hot plate. Toxic substances that in large amounts can cause cardiac arrest and lung damage [see box] permeate the house when meth is cooked, then seep into walls,



The kitchen of a Sacramento apartment after a meth lab bust. The telltale signs are obvious. “Look for rust” from the corrosive chemicals, says an expert.

floorboards and carpeting. The resulting contamination can last for years.

The Drug Enforcement Administration estimates 35 percent of the nation’s meth supply is manufactured domestically, including thousands of mom-and-pop labs, often in private dwellings. The result: Untold families who bought homes in recent years live in former meth labs. Some, upon discovering their

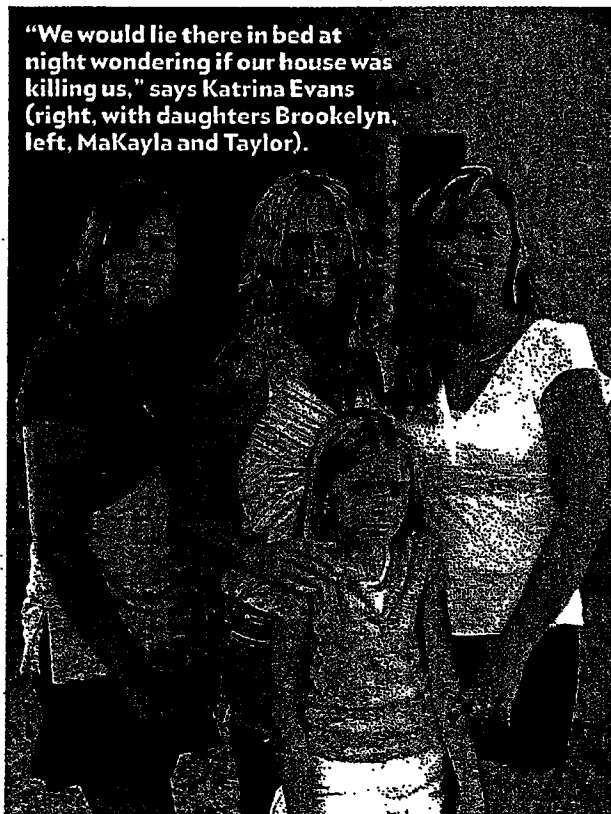
homes were filled with residue from acetone, red phosphorus and other toxic agents, have fled, losing their investment and a life’s worth of treasured possessions. Others have stayed but live in fear, convinced that the chemical leftovers from the meth-making process are responsible for a host of health woes.

Scientifically, the verdict is out on whether these concerns are justified.

As yet, there is no proven link between living in an ex meth lab and specific health problems; few studies have been done, and conclusive results may take years. “It takes a pretty hefty exposure to make you sick,” says an unconvinced George Gray, executive director of the Harvard Center for Risk Analysis, adding that other factors—say, psychological or occupational—might play a role in some cases.

Still, what is known is worrisome. Though a high-tech cleanup should eliminate a lot of the risk, “I absolutely wouldn’t want to move my family into an ex meth lab,” says Shawn Arbuckle, an industrial hygiene program coordinator at the National Jewish Medical and Research Center in Denver and a leading researcher on the impact of home meth-cooking. Potential

“We would lie there in bed at night wondering if our house was killing us,” says Katrina Evans (right, with daughters Brookelyn, left, MaKayla and Taylor).



long-term risks, he says, include damage to the lungs, liver and kidneys and cancer. At greatest risk, he says, are people with existing medical conditions and young children, where exposure over time "could really mess up their developing brains."

Health was just one of the Needhams' worries. Because the residue gets into carpets, walls and ceilings, it is hard to remove and can cost tens of thousands of dollars to clean up. Just a test of their home, which was done by an environmental-contracting firm and confirmed the contamination, cost the Needhams \$2,600. Much of what they owned had to be discarded. Then there were the priceless boxes of photos, family heirlooms, their daughters' childhood artwork. All were contaminated, and the Needhams, wearing rubber gloves, sealed them in plastic. "We'll never be able to touch them again," Cindy says. "But I couldn't throw them out."

There was some good news: When the couple moved out of the house and into a rental home, their symptoms subsided almost immediately. But double house payments and other expenses threatened to plunge them into bankruptcy. All of which left the Needhams feeling angry and betrayed. "If we'd had all the information, we would never have bought the house," Cindy says. "But do you think someone cooking meth in their kitchen is going to tell you the house is toxic?"

Until recently, in fact, there was little protection for buyers. So far only a few states including South Dakota, Oklahoma and Oregon, require disclosure to an owner that the home was a meth lab. At least seven other states are considering similar measures, and several have established guidelines for home meth-cleanup. It remains to be seen how the new laws will impact public safety. "If we want to absolutely

## METH LABS BY THE NUMBERS

Estimated meth labs busted in the U.S. since 1997: 1,716

Estimated meth labs in the U.S.: 576

Estimated meth labs in the U.S.: 319

Estimated meth labs in the U.S.: 1,716

Estimated meth labs in the U.S.: 1,716

Estimated meth labs in the U.S.: 1,716

Estimated meth labs in the U.S.: 1,716

Estimated meth labs in the U.S.: 1,716



guarantee the safety of any dwelling that had been a meth lab, we'd burn it to the ground," says Deborah Durkin, environmental research specialist with the Minnesota Department of Health.

The Pruchniks of Eden Prairie, Minn., wish they had known. Polish-born Zbigniew, 63, a U.S. resident since

1988, and Galina, 57, who emigrated from Minsk in 1992, were thrilled to find a townhouse in the leafy Minneapolis suburb. It needed work, but Zbigniew, a hotel maintenance man, is more than handy. For five months he labored, sleeping on an air mattress on the living room carpet, scrubbing walls, pulling carpet and removing loads of debris. Says his wife of 12 years, an office clerk: "We thought we would live there forever—that we were finally settled in America."

Instead, their peace of mind was shattered. On April 27, 2002, their first night together in the new home, Zbigniew suffered a heart attack. He recovered, but a cascade of complaints followed—a painful liver

infection, stomach distress and a diabetes diagnosis. Whether there was a cause-and-effect relationship is unclear, but earlier this year a reporter for the Minneapolis *Star Tribune* called to say she'd learned from arrest records that the Pruchniks' home was a former meth lab. The owner lived in another state,

A left, classic meth home-ec: "cooking" in a beaker on an electric stovetop; at right, a meth lab in Healdsburg, Calif., when raided by DEA in 2001.





and an intruder had broken in and started making the drug; the lab was discovered by a caretaker and reported to the police. It wasn't entirely a shock. "A neighbor had said people had made drugs here," Zbigniew recalls. "We didn't understand the danger." The Minnesota Pollution Control Agency inspected the house and, according to the report by researcher Kate Gaynor, found meth residue "in many areas" but said Zbigniew's renovations actually eliminated significant contamination. The Pruchniks can't afford to pay for a cleanup, but Gaynor hopes her agency can do it, funded by a grant. In the meantime, says Galina, "I love this house, but I'm scared to live here."

Fear was the last thing Katrina and Brian Evans had on their mind when they moved with their three girls into a \$265,000, four-bedroom house in Fort Collins, Colo., in April 2003. It needed exterior work but had space for Katrina's home daycare business and land to build a second garage for Brian, who worked in auto repair and had a passion for restoring old cars. "The house was awesome—a huge

accomplishment," Katrina says. For a year life was good: Katrina's business blossomed, and Brian was ready to branch out on his own. They could afford special medical insurance for youngest daughter Taylor, 11, who has scoliosis and spina bifida and needs frequent surgeries.

Then, on April 8, 2004, the bottom fell out: A local reporter called and informed the Evanses their house was on a Larimer County Sheriff's Web site listing former meth labs. Frantic and confused, Katrina called a long list of health agencies asking for guidance. "I couldn't get any answers," she says. "I felt like I was in that *Erin Brockovich* movie." Katrina began to suspect that some health problems her family had experienced during the year might have been meth-related. Brookelyn, 16,

had her bedroom in the basement—site of the former lab—and suffered migraines shortly after moving in. Also, chronic nosebleeds, for which she'd undergone corrective surgery in October 2001, came back in the new house. Brian removed a piece of PVC pipe in the basement and his arm broke out in a rash. "Later, while I was doing research on meth labs," Katrina says, "it all started to make sense."

Unable to guarantee the safety of the toddlers she watched—parents began pulling their children from her daycare after Katrina informed them of the meth-lab listing—she shut her center

down. They couldn't afford a cleanup, so the Evanses moved into a rental house. Whether or not their home caused their health problems, Katrina and Brian—childhood sweethearts—believe the stress ruined their marriage. Last August they decided to divorce; the next month, they filed for bankruptcy. They have sued seller Randy Jensen and the real estate firm, claiming they knew a prior occupant had run the meth lab. "I at no point had any idea or knowledge there was anything like that on the property," Jensen says, "if there even was." A trial is a year off, and Katrina says she and the girls are struggling: "We went from a \$300,000 home to being on food stamps."

For the Needhams, at least, the scales tipped their way. As part of a plea bargain for convicted meth chef Lewis, who served four months in prison, his father made restitution; Butte Community Bank, the Needhams' mortgage holder, had frozen their account until then, saving them from foreclosure and preserving their excellent credit. Meanwhile, the couple joined with their real estate agent Judy Pepper (who was also unaware of the lab) to pressure state and federal lawmakers to mandate disclosure of meth houses. Their state assemblyman, Rick Keene, has proposed just such a bill. "Something good has to come out of all this," Cindy Needham says of their ordeal. "It could all be so easily avoided."

By Richard Jerome. Jason Bane in Fort Collins, Maureen Harrington in Chico, Margaret Nelson in Eden Prairie and John Perra in Washington, D.C.

## A TOXIC BREW

Meth cooks concoct the drug using pseudoephedrine, an active agent in many over-the-counter cold medicines. Below are some other meth ingredients and their risks.

- IODINE CRYSTAL Vapors can cause eye and skin irritation, breathing problems
- HYDROGEN CHLORIDE Inhalation can cause chemical burns to eyes, nose, skin, severe respiratory problems

- ACETONE Inhalation or ingestion can cause severe gastric irritation, coma
- LITHIUM METAL Contact can cause severe burns
- ANHYDROUS AMMONIA Inhalation can cause severe respiratory problems, eye and mucous membrane damage
- RED PHOSPHORUS Vapors can irritate the nose, throat, lungs and eyes
- FREON Inhalation can result in sudden cardiac arrest, severe lung damage

[illegible]

[illegible]



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. PCB HCR 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

Council/Committee hearing bill: Health Care Regulation

Representative(s) Garcia offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 162-165 and insert:

1. Make available health care quality measures that include, but are not limited to, process measures, patient-safety indicators, inpatient quality indicators, performance measures, ~~performance outcome~~ and patient charge data .

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. PCB HCR 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Garcia offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 262-278 and insert:

9. Monitor innovations in health information technology, informatics, and the exchange of health information and maintain a repository of technical resources to support the development of a Florida health information network.

(b) Administer, manage, and monitor grants to not-for-profit organizations, regional health information organizations, public health departments or state agencies that submit proposals for planning, implementation, or training projects to advance the development of a Florida health information network. Any grant contract shall be evaluated to ensure the effective outcome of the health information project.

(c) Initiate, oversee, manage, and evaluate the integration of health care data from each state agency that collects, stores, and reports on health care issues, and make

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

21 | that data available to any health care practitioner through the  
22 | Florida health information network.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. PCB HCR 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Garcia offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 316-320 and insert:

(6) PROVIDER DATA REPORTING.--This section does not confer on the agency the power to demand or require that a health care provider or professional furnish information, records of interviews, written reports, statements, notes, memoranda, or data other than as expressly required by law.

===== T I T L E A M E N D M E N T =====

Remove line(s) 13-14 and insert:

monitor certain grants; removing

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. PCB HCR 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation

Representative(s) Garcia offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 374-376 and insert:

for a term of 2 4 years following from the date of appointment,  
except the term of appointment shall end 3 years following the  
date of appointment for members appointed in 2003, 2004, and  
2005. that A vacancy shall be filled by appointment for the  
remainder of the term, and each appointing authority retains the  
right to reappoint members whose terms of appointment have  
expired. and except that.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. PCB HCR 06-01

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation

Representative(s) Garcia offered the following:

**Amendment (with directory and title amendments)**

Between line(s) 518-519 insert:

(5) The agency shall develop and implement a strategy for the adoption and use of electronic health records, including the development of an electronic health information network for the sharing of electronic health records among health care facilities, health care providers, and health insurers. The agency may develop rules to facilitate the functionality and protect the confidentiality of electronic health records. The agency shall report to the Governor, the Speaker of the House of Representatives, and the President of the Senate on legislative recommendations to protect the confidentiality of electronic health records.

===== DIRECTORY AMENDMENT =====

Remove line(s) 455-457 and insert:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Section 5. Paragraphs (h) and (j) of subsection (1), and subsections (2) and (5) of section 408.062, Florida Statutes, are amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 27 and insert:

provision; authorizing the agency to develop an electronic health information network; amending ss. 20.42, 381.001, 395.602, 395.6025,

000000

House of Representatives  
COMMITTEE BILL ACTION WORKSHEET

Committee/Subcommittee on HEALTH CARE REGULATION Bill No. PCB HCR-06-03

Meeting Date 2-22-06 Time 10:30 Am Place 212 Knott Bldg

COMMITTEE ACTION:

☐ Favorable  
☒ Favorable with Amendments 1  
☐ Favorable with Committee Substitute  
☐ Unfavorable  
☐ Temporarily Deferred  
☐ Reconsidered

Other Action: \_\_\_\_\_

Final Vote on Bill		Members	#1							
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<input checked="" type="checkbox"/>		Bendross-Mindingall, Dorothy								
<input checked="" type="checkbox"/>		Bilirakis, Gus								
<input checked="" type="checkbox"/>		Bowen, Marty								
		Cretul, Larry								
<input checked="" type="checkbox"/>		Henriquez, Bob								
<input checked="" type="checkbox"/>		Homan, Ed								
<input checked="" type="checkbox"/>		Poppell, Ralph								
<input checked="" type="checkbox"/>		Proctor, William								
<input checked="" type="checkbox"/>		Roberson, Yolly								
		Sobel, Eleanor								
<input checked="" type="checkbox"/>		Garcia, Rene, Chair								
		<i>Sobel, yes if present</i>								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0	TOTALS	(A)							



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **PCB HCR 06-03**

COUNCIL/COMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

Council/Committee hearing bill: Health Care Regulation

Representative(s) Garcia offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause and insert:

Section 1. Section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.--The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a person or animal.

(2) "Analog" or "chemical analog" means a structural derivative of a parent compound that is a controlled substance.

(3) "Cannabis" means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 (4) "Clandestine laboratory" means any location and  
24 proximate areas set aside or used that are likely to be  
25 contaminated as a result of manufacturing, processing, cooking,  
26 disposing, or storing, either temporarily or permanently, any  
27 substances in violation of this chapter, except as such  
28 activities are authorized in chapter 499.

29 (5) "Contaminated" or "contamination" means containing  
30 levels of chemicals at or above the levels defined by the  
31 department pursuant to s. 893.123(1) as a result of clandestine  
32 laboratory activity.

33 (6) "Contamination assessment specialist" or  
34 "contamination assessor" means a person responsible for  
35 assessing the extent of contamination and decontamination by  
36 determining the indoor air quality in a residential property  
37 based on the standards defined by the department. Upon the  
38 conclusion of decontamination, a residential property must  
39 successfully test less than or equal to the values defined by  
40 the department. The person must have specialized training that  
41 provides him or her with the knowledge, skills, and abilities to  
42 use quantitative measurement techniques in collecting and  
43 assessing specified contamination levels that have the ability  
44 to impair human health and well-being.

45 (7)-(4) "Controlled substance" means any substance named or  
46 described in Schedules I-V of s. 893.03. Laws controlling the  
47 manufacture, distribution, preparation, dispensing, or  
48 administration of such substances are drug abuse laws.

49 (8) "Decontamination" means the process of reducing the  
50 levels of contaminants to the levels defined by the department  
51 pursuant to s. 893.123(1) that allow human reoccupancy using  
52 currently available methods and processes.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

53        (9) "Decontamination specialist" means a person  
54        responsible for the cleanup, treatment, repair, removal, and  
55        decontamination of contaminated materials located in a  
56        residential property where clandestine laboratory activities  
57        occurred. The person must have the knowledge, skills, and  
58        ability to prescribe methods to eliminate, control, or reduce  
59        contamination; and must have been trained in the removal,  
60        storage, transport, and disposal of hazardous chemicals or  
61        chemical residues commonly associated with clandestine  
62        laboratory activities.

63        (10)-(5) "Deliver" or "delivery" means the actual,  
64        constructive, or attempted transfer from one person to another  
65        of a controlled substance, whether or not there is an agency  
66        relationship.

67        (11)-(9) "Department" means the Department of Health.

68        (12)-(6) "Dispense" means the transfer of possession of one  
69        or more doses of a medicinal drug by a pharmacist or other  
70        licensed practitioner to the ultimate consumer thereof or to one  
71        who represents that it is his or her intention not to consume or  
72        use the same but to transfer the same to the ultimate consumer  
73        or user for consumption by the ultimate consumer or user.

74        (13)-(7) "Distribute" means to deliver, other than by  
75        administering or dispensing, a controlled substance.

76        (14)-(8) "Distributor" means a person who distributes.

77        (15)-(10) "Hospital" means an institution for the care and  
78        treatment of the sick and injured, licensed pursuant to the  
79        provisions of chapter 395 or owned or operated by the state or  
80        Federal Government.

81        (16)-(11) "Laboratory" means a laboratory approved by the  
82        Drug Enforcement Administration as proper to be entrusted with  
83        the custody of controlled substances for scientific, medical, or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

instructional purposes or to aid law enforcement officers and prosecuting attorneys in the enforcement of this chapter.

~~(17)(12)~~ "Listed chemical" means any precursor chemical or essential chemical named or described in s. 893.033.

~~(18)(13)~~(a) "Manufacture" means the production, preparation, propagation, compounding, cultivating, growing, conversion, or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

1. A practitioner or pharmacist as an incident to his or her administering or delivering of a controlled substance in the course of his or her professional practice.

2. A practitioner, or by his or her authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis, and not for sale.

(b) "Manufacturer" means and includes every person who prepares, derives, produces, compounds, or repackages any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to manufacturers of patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

~~(19)(14)~~ "Mixture" means any physical combination of two or more substances.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

(20)~~(15)~~ "Patient" means an individual to whom a controlled substance is lawfully dispensed or administered pursuant to the provisions of this chapter.

(21)~~(16)~~ "Pharmacist" means a person who is licensed pursuant to chapter 465 to practice the profession of pharmacy in this state.

(22)~~(17)~~ "Possession" includes temporary possession for the purpose of verification or testing, irrespective of dominion or control.

(23)~~(18)~~ "Potential for abuse" means that a substance has properties of a central nervous system stimulant or depressant or an hallucinogen that create a substantial likelihood of its being:

(a) Used in amounts that create a hazard to the user's health or the safety of the community;

(b) Diverted from legal channels and distributed through illegal channels; or

(c) Taken on the user's own initiative rather than on the basis of professional medical advice.

Proof of potential for abuse can be based upon a showing that these activities are already taking place, or upon a showing that the nature and properties of the substance make it reasonable to assume that there is a substantial likelihood that such activities will take place, in other than isolated or occasional instances.

(24)~~(19)~~ "Practitioner" means a physician licensed pursuant to chapter 458, a dentist licensed pursuant to chapter 466, a veterinarian licensed pursuant to chapter 474, an osteopathic physician licensed pursuant to chapter 459, a naturopath licensed pursuant to chapter 462, or a podiatric

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

145 physician licensed pursuant to chapter 461, provided such  
146 practitioner holds a valid federal controlled substance registry  
147 number.

148 ~~(25)~~(20) "Prescription" means and includes an order for  
149 drugs or medicinal supplies written, signed, or transmitted by  
150 word of mouth, telephone, telegram, or other means of  
151 communication by a duly licensed practitioner licensed by the  
152 laws of the state to prescribe such drugs or medicinal supplies,  
153 issued in good faith and in the course of professional practice,  
154 intended to be filled, compounded, or dispensed by another  
155 person licensed by the laws of the state to do so, and meeting  
156 the requirements of s. 893.04. The term also includes an order  
157 for drugs or medicinal supplies so transmitted or written by a  
158 physician, dentist, veterinarian, or other practitioner licensed  
159 to practice in a state other than Florida, but only if the  
160 pharmacist called upon to fill such an order determines, in the  
161 exercise of his or her professional judgment, that the order was  
162 issued pursuant to a valid patient-physician relationship, that  
163 it is authentic, and that the drugs or medicinal supplies so  
164 ordered are considered necessary for the continuation of  
165 treatment of a chronic or recurrent illness. However, if the  
166 physician writing the prescription is not known to the  
167 pharmacist, the pharmacist shall obtain proof to a reasonable  
168 certainty of the validity of said prescription. A prescription  
169 order for a controlled substance shall not be issued on the same  
170 prescription blank with another prescription order for a  
171 controlled substance which is named or described in a different  
172 schedule, nor shall any prescription order for a controlled  
173 substance be issued on the same prescription blank as a  
174 prescription order for a medicinal drug, as defined in s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

465.031(5), which does not fall within the definition of a controlled substance as defined in this act.

(26) "Residential property" means a dwelling unit used, or intended for use, by an individual or individuals as a permanent residence. The term includes improved real property of between one and four dwellings; a condominium unit, as defined in s. 718.103(27); a cooperative unit, as defined in s. 719.103(24); or a mobile home or manufactured home, as defined in s. 320.01(2). The term does not include a hotel, motel, campground, marina, or timeshare unit.

(27)-(21) "Wholesaler" means any person who acts as a jobber, wholesale merchant, or broker, or an agent thereof, who sells or distributes for resale any drug as defined by the Florida Drug and Cosmetic Act. However, this definition does not apply to persons who sell only patent or proprietary preparations as defined in the Florida Pharmacy Act. Pharmacies, and pharmacists employed thereby, are specifically excluded from this definition.

Section 2. Section 893.121, Florida Statutes, is created to read:

893.121 Quarantine of a clandestine laboratory.--

(1) The purpose of the quarantine provided for in this section is to prevent exposure of any person to the hazards associated with clandestine laboratory activities and provide protection from unsafe conditions that pose a threat to the public health, safety, and welfare. The department has the authority to quarantine residential property under s. 381.0011.

(2) Whenever a sheriff, police officer, or other law enforcement entity secures evidence from a residential property in which illegal clandestine laboratory activities occurred, the department must quarantine the property. The local law

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

206 enforcement entity securing evidence shall enforce a quarantine  
207 on the residential property as part of its duty to assist the  
208 department under s. 381.0012(5). Enforcement does not require  
209 the 24-hour posting of law enforcement personnel. The  
210 residential property shall remain quarantined until the  
211 department receives a certificate of fitness documenting that  
212 the property was decontaminated as defined by the department  
213 pursuant to s. 893.123 or demolished in accordance with s.  
214 893.122(1), or a court order is presented requiring the  
215 quarantine to be lifted.

216 (3) The department shall adopt rules pursuant to ss.  
217 120.536(1) and 120.54 to establish a uniform notice to post at  
218 the site of a quarantined clandestine laboratory and a uniform  
219 letter of notification of the quarantine to be sent to the  
220 residential property owner or manager. It is the responsibility  
221 of local law enforcement to post the notice of a quarantine on  
222 the residential property, and it is the responsibility of the  
223 department to mail the letter of notification. The material in  
224 the letter and notice shall include, but not be limited to:

225 (a) That the residential property has been quarantined and  
226 a clandestine laboratory was seized on or inside the residential  
227 property.

228 (b) The date of the quarantine.

229 (c) The name and contact telephone number of the law  
230 enforcement entity posting the quarantine.

231 (d) A statement specifying that hazardous substances,  
232 toxic chemicals, or other hazardous waste products may have been  
233 present and may remain on or inside the residential property and  
234 that exposure to the substances may be harmful and may pose a  
235 threat to public health and the environment.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

236 (e) A statement that it is unlawful for an unauthorized  
237 person to enter the contaminated residential property and that  
238 the removal of any notice of the quarantine is a second degree  
239 misdemeanor under s. 381.0025(1).

240 (f) A statement, in the notification letter, explaining  
241 how to have the quarantine lifted.

242 (4) Upon securing evidence from a residential property in  
243 which illegal clandestine laboratory activities occurred, the  
244 local law enforcement entity shall immediately notify the local  
245 health officer and the department's Division of Environmental  
246 Health that a residential property is quarantined and shall  
247 provide the name and contact information of the law enforcement  
248 entity, the name of the residential property owner or  
249 residential property manager, and the address of the property.

250 (5) To the extent possible, the department shall mail the  
251 letter of notification to the residential property owner or the  
252 manager of the residential property within 5 working days from  
253 the date of quarantine notifying the owner or manager that a  
254 clandestine laboratory was found on the property and that the  
255 property has been quarantined. The department shall also include  
256 a list of contamination assessment specialists and  
257 decontamination specialists and any other information deemed  
258 appropriate by the department to the residential property owner  
259 or manager.

260 (6) Any person who has an interest in a residential  
261 property that is quarantined pursuant to this section may file a  
262 petition in the circuit court in which the residential property  
263 is located to request a court order that the quarantine of the  
264 residential property be lifted for one of the following reasons:

265 (a) The residential property was wrongfully quarantined;  
266 or

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

(b) The residential property has been properly decontaminated as defined by the department pursuant to s. 893.123 or demolished pursuant to s. 893.122(1) and may be reoccupied for habitation, but the department refuses or fails to lift the quarantine.

(7) No person shall inhabit a quarantined residential property, offer the residential property to the public for temporary or indefinite habitation, or remove any notice of the quarantine. Any person who willfully violates a provision of this subsection commits a second degree misdemeanor under s. 381.0025(1).

Section 3. Section 893.122, Florida Statutes, is created to read:

893.122 Option of demolition; immunity from liability from health-based civil actions.--

(1) A residential property owner shall, upon notification from a law enforcement entity that clandestine laboratory activities have occurred in a property owned by that owner and that the property is quarantined, meet the decontamination standards as defined by the department pursuant to s. 893.123 unless the property owner, at the owner's discretion, elects to demolish the contaminated residential property. The demolition and removal of materials must meet the requirements of the Occupational Safety and Health Administration and the United States Environmental Protection Agency regulations pertaining to the generation, storage, transport, and disposal of hazardous wastes and any state or local requirements.

(2) A residential property owner who has met the decontamination standards, as evidenced by a certificate of fitness and a letter of reoccupancy pursuant to s.893.123, or has demolished the residential property in compliance with

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

subsection (1), shall have immunity from health-based civil actions brought by any future owner, renter, or other person who occupies such residential property, or a neighbor of such residential property, in which the alleged cause of the injury or loss is the existence of the clandestine laboratory. However, a person with a conviction, as defined in s. 944.607, for the manufacture of any substance regulated under this chapter on the residential property where clandestine laboratory activities occurred shall not have the immunity provided in this subsection.

Section 4. Section 893.123, Florida Statutes, is created to read:

893.123 Clandestine laboratory decontamination standards, certificate of fitness, and letter of reoccupancy.--

(1) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 that establish:

(a) Standards for indoor air quality regarding levels of contaminants produced by clandestine laboratory activities to include methamphetamine, lead, mercury, and volatile organic compounds. These standards must be consistent with values commonly used by other states or comply with national standards.

(b) Standards for the cleanup and testing of clandestine laboratories.

(c) A certificate of fitness that shall act as appropriate documentation that a residential property has been decontaminated in accordance with specified standards. The certificate of fitness shall be submitted to the department by a contamination assessment specialist. The certificate of fitness shall include, but is not limited to:

1. The name of the residential property owner, the mailing and street address of the residential property owner, and, if

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

applicable, the parcel identification of the residential property.

2. The dates the residential property was quarantined and cleanup was completed.

3. A summary of the indoor air quality test results, findings, and conclusions as determined by a contamination assessment specialist.

4. The name and address of the contamination assessment specialist.

5. The name and address of the decontamination specialist.

6. The method of repair, replacement, or decontamination of the residential property.

(d) A letter of reoccupancy that will notify the residential property owner that the property may be reoccupied for habitation.

(2) Upon receipt of the certificate of fitness, the department shall send a letter of reoccupancy to the residential property owner or manager and to the local law enforcement entity that enforced the quarantine and posted the notice. The letter of reoccupancy must include the address of the residential property, a statement that the quarantine is lifted, and a statement that the residential property may be reoccupied for habitation.

(3) In the case of demolition, the department shall lift the quarantine on a residential property upon receipt of a letter presented by a demolition company stating that the quarantined property was demolished. The letter must include the address of the residential property and a statement that the demolition was performed in accordance to the requirements in s. 893.122(1).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Section 5. Section 893.124, Florida Statutes, is created to read:

893.124 Decontamination and contamination assessment specialists.--

(1)(a) The department shall compile and maintain lists of decontamination and contamination assessment specialists. The lists shall be posted on the department's Internet website. The department shall indicate on the website whether the specialists are bonded and insured.

(b) Persons authorized to perform decontamination or contamination assessments must have knowledge and skill in the handling of toxic substances. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 specifying the requirements for persons authorized to perform decontamination and contamination assessments. Decontamination specialists shall be responsible for ensuring that all hazardous substances, toxic chemicals, or other hazardous waste products that may have been present are removed from the residential property and disposed of in accordance with federal, state, and local laws and regulations.

(2) In determining the level of contamination in a clandestine laboratory, the decontamination or contamination assessment specialist may request copies of any available law enforcement reports or information relating to the following:

(a) The length of time the residential property was used as a clandestine laboratory.

(b) The extent to which the residential property was exposed to chemicals used in clandestine laboratory activities.

(c) The chemical processes that were involved in the clandestine laboratory activities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

(d) The chemicals that were removed from the residential property.

(e) The location of the clandestine laboratory activities in relation to the habitable areas of the residential property.

(3) If the contamination assessment specialist determines that the residential property is not contaminated, the contamination assessment specialist shall prepare a certificate of fitness and submit the certificate to the department.

Section 6. Paragraph (s) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.--

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(s) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship.

Section 7. Paragraph (e) of subsection (1) of section 465.023, Florida Statutes, is amended to read:

465.023 Pharmacy permittee; disciplinary action.--

(1) The department or the board may revoke or suspend the permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee who has:

(e) Dispensed any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02~~(20)~~ when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

Section 8. Paragraph (c) of subsection (1) of section 856.015, Florida Statutes, is amended to read:

856.015 Open house parties.--

(1) Definitions.--As used in this section:

(c) "Drug" means a controlled substance, as that term is defined in ss. 893.02~~(4)~~ and 893.03.

Section 9. Subsection (6) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.--

(6) A mixture, as defined in s. 893.02~~(14)~~, containing any controlled substance described in this section includes, but is not limited to, a solution or a dosage unit, including but not limited to, a pill or tablet, containing a controlled substance. For the purpose of clarifying legislative intent regarding the weighing of a mixture containing a controlled substance described in this section, the weight of the controlled substance is the total weight of the mixture, including the controlled substance and any other substance in the mixture. If there is more than one mixture containing the same controlled substance, the weight of the controlled substance is calculated by aggregating the total weight of each mixture.

Section 10. Paragraph (a) of subsection (1) of section 944.47, Florida Statutes, is amended to read:

944.47 Introduction, removal, or possession of certain articles unlawful; penalty.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

450 (1) (a) Except through regular channels as authorized by  
451 the officer in charge of the correctional institution, it is  
452 unlawful to introduce into or upon the grounds of any state  
453 correctional institution, or to take or attempt to take or send  
454 or attempt to send therefrom, any of the following articles  
455 which are hereby declared to be contraband for the purposes of  
456 this section, to wit:

457 1. Any written or recorded communication or any currency  
458 or coin given or transmitted, or intended to be given or  
459 transmitted, to any inmate of any state correctional  
460 institution.

461 2. Any article of food or clothing given or transmitted,  
462 or intended to be given or transmitted, to any inmate of any  
463 state correctional institution.

464 3. Any intoxicating beverage or beverage which causes or  
465 may cause an intoxicating effect.

466 4. Any controlled substance as defined in s. 893.02(4) or  
467 any prescription or nonprescription drug having a hypnotic,  
468 stimulating, or depressing effect.

469 5. Any firearm or weapon of any kind or any explosive  
470 substance.

471 Section 11. Subsection (1) of section 951.22, Florida  
472 Statutes, is amended to read:

473 951.22 County detention facilities; contraband articles.--

474 (1) It is unlawful, except through regular channels as  
475 duly authorized by the sheriff or officer in charge, to  
476 introduce into or possess upon the grounds of any county  
477 detention facility as defined in s. 951.23 or to give to or  
478 receive from any inmate of any such facility wherever said  
479 inmate is located at the time or to take or to attempt to take  
480 or send therefrom any of the following articles which are hereby



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

declared to be contraband for the purposes of this act, to wit:  
Any written or recorded communication; any currency or coin; any  
article of food or clothing; any tobacco products as defined in  
s. 210.25(11); any cigarette as defined in s. 210.01(1); any  
cigar; any intoxicating beverage or beverage which causes or may  
cause an intoxicating effect; any narcotic, hypnotic, or  
excitative drug or drug of any kind or nature, including nasal  
inhalators, sleeping pills, barbiturates, and controlled  
substances as defined in s. 893.02~~(4)~~; any firearm or any  
instrumentality customarily used or which is intended to be used  
as a dangerous weapon; and any instrumentality of any nature  
that may be or is intended to be used as an aid in effecting or  
attempting to effect an escape from a county facility.

Section 12. Paragraph (a) of subsection (1) of section  
985.4046, Florida Statutes, is amended to read:

985.4046 Introduction, removal, or possession of certain  
articles unlawful; penalty.--

(1)(a) Except as authorized through program policy or  
operating procedure or as authorized by the facility  
superintendent, program director, or manager, a person may not  
introduce into or upon the grounds of a juvenile detention  
facility or commitment program, or take or send, or attempt to  
take or send, from a juvenile detention facility or commitment  
program, any of the following articles, which are declared to be  
contraband under this section:

1. Any unauthorized article of food or clothing.
2. Any intoxicating beverage or any beverage that causes  
or may cause an intoxicating effect.
3. Any controlled substance, as defined in s. 893.02~~(4)~~,  
or any prescription or nonprescription drug that has a hypnotic,  
stimulating, or depressing effect.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

4. Any firearm or weapon of any kind or any explosive substance.

Section 13. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to clandestine laboratory contamination; amending s. 893.02, F.S.; providing definitions; creating s. 893.121, F.S.; providing for quarantine of any residential property where illegal clandestine laboratory activities occurred; providing for establishment of a uniform notice and a uniform letter of notification; providing for posting of specified notice at the site of a quarantine; providing requirements for the sending of a specified letter of notification to a residential property owner or manager; providing for petitions by certain persons in circuit court to lift such quarantines under certain conditions; prohibiting specified violations relating to such quarantines; creating s. 893.122, F.S.; permitting demolition of quarantined residential property under certain conditions; providing immunity from health-based civil actions for residential property owners who have met specified clandestine laboratory decontamination standards as evidenced by specified documentation; providing an exception to such immunity for persons convicted of manufacturing controlled substances at the site; creating s. 893.123, F.S.; providing for rulemaking to adopt clandestine laboratory decontamination standards; providing for certificates of fitness to indicate that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

decontamination has been completed; providing requirements for the lifting of a quarantine upon demolition of the property; creating s. 893.124, F.S.; requiring the Department of Health to specify requirements for persons authorized to perform decontamination and contamination assessments; requiring the department to compile and maintain lists of decontamination and contamination assessment specialists; providing responsibilities for decontamination specialists; permitting decontamination and contamination assessment specialists to request specified documents; providing for the issuance of certificates of fitness by contamination assessment specialists; amending ss. 465.016, 465.023, 856.015, 893.135, 944.47, 951.22, and 985.4046, F.S.; conforming cross-references; providing an effective date.

WHEREAS, methamphetamine use and production is increasing throughout the state, and

WHEREAS, in places where methamphetamine production has occurred, significant levels of chemical contamination may be found, especially in residential properties when the contamination is not decontaminated, and

WHEREAS, children are susceptible to environmental toxicants via the skin, and the ingestion of residual methamphetamine is considered to be a result of hand-to-mouth activities, and

WHEREAS, studies on methamphetamine use during pregnancy showed an increased incidence of intrauterine growth retardation, prematurity, and perinatal complications, and

WHEREAS, once clandestine laboratories have been seized, the public may continue to be harmed by the illegal dumping of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

574 chemical byproducts and the chemical residues that remain on the  
575 residential property, and

576 WHEREAS, there are no statewide standards for determining  
577 when a site of a seized clandestine laboratory has been  
578 successfully decontaminated, and

579 WHEREAS, the Legislature finds that this act is necessary  
580 for the immediate preservation of the public health, safety, and  
581 welfare and fulfills an important state interest, NOW,  
582 THEREFORE,

House of Representatives  
COMMITTEE BILL ACTION WORKSHEET

Committee/Subcommittee on HEALTH CARE REGULATION Bill No. HB 411

Meeting Date 2-22-06 Time 10:30 Am Place 212 Knott

COMMITTEE ACTION:

- ☒ Favorable  
☐ Favorable with Amendments \_\_\_\_\_  
☐ Favorable with Committee Substitute  
☐ Unfavorable  
☐ Temporarily Deferred  
☐ Reconsidered

Other Action: \_\_\_\_\_

Final Vote on Bill		Members								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
<input checked="" type="checkbox"/>		Bendross-Mindingall, Dorothy								
<input checked="" type="checkbox"/>		Bilirakis, Gus								
<input checked="" type="checkbox"/>		Bowen, Marty								
		Cretul, Larry								
<input checked="" type="checkbox"/>		Henriquez, Bob								
<input checked="" type="checkbox"/>		Homan, Ed								
<input checked="" type="checkbox"/>		Poppell, Ralph								
<input checked="" type="checkbox"/>		Proctor, William								
<input checked="" type="checkbox"/>		Roberson, Yolly								
		Sobel, Eleanor								
<input checked="" type="checkbox"/>		Garcia, Rene, Chair								
		<i>Sobel, yes if present</i>								
Yeas	Nays		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0	TOTALS								

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 439

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation

Representative(s) Planas offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 107-110 and insert:

Statistics;

(c) How the parent may contact the Office of Vital  
Statistics to request a certificate of birth resulting in  
stillbirth; and

(d) That a copy of the original certificate of birth  
resulting in stillbirth is a document that is available as a  
public record when held by an agency as defined under s.  
119.011(2).

===== T I T L E A M E N D M E N T =====

Remove line(s) 8 and insert:

stillbirth; requiring that the person required to  
file the fetal death certificate inform a parent of a  
stillborn child that copies of the birth certificate  
resulting in stillbirth may be available as a public  
record; authorizing the parent to name the stillborn

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. HB 439

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Health Care Regulation Committee  
2 Representative(s) Planas offered the following:

3  
4 **Amendment**

5 Remove line(s) 127 and insert:

6  
7 (4) The department shall prescribe

000000



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 439**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Health Care Regulation  
2 Representative(s) Planas offered the following:

3  
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 138-140 and insert:

6 (7) Only a parent named on a fetal death certificate may  
7 request that the Office of Vital Statistics create a certificate  
8 of birth resulting in stillbirth. The Office of Vital Statistics  
9 must inform any parent who requests a certificate of birth  
10 resulting in stillbirth that a copy of the document is available  
11 as a public record when held by an agency as defined under s.  
12 119.011(2). A refusal by the Office of Vital Statistics

13  
14 ===== T I T L E A M E N D M E N T =====

15 Remove line(s) 18-19 and insert:

16 authorizing certain parents to request a certificate  
17 of birth resulting in stillbirth from the Office of  
18 Vital Statistics; requiring the Office of Vital  
19 Statistics to inform such parents that a copy of a  
20 certificate of birth resulting in stillbirth may be  
21 available as a public record; authorizing the Office

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. HB 439

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN ☒ (Y/N)  
OTHER \_\_\_\_\_

1 Council/Committee hearing bill: Health Care Regulation Committee  
2 Representative(s) Sobel offered the following:  
3

4 **Amendment (with directory and title amendments)**

5 Remove everything after the enacting clause and insert:  
6

7 Section 1. Section 382.002, Florida Statutes, is amended  
8 to read:

9 382.002 Definitions.--As used in this chapter, the term:

10 (1) "Certificate of stillbirth" means a certificate issued  
11 to record the birth of a stillborn child.

12 (2)-(1) "Certification" or "certified" means a document  
13 containing all or a part of the exact information contained on  
14 the original vital record, and which, when issued by the State  
15 Registrar, has the full force and effect of the original vital  
16 record.

17 (3)-(2) "Dead body" means a human body or such parts of a  
18 human body from the condition of which it reasonably may be  
19 concluded that death recently occurred.

20 (4)-(3) "Department" means the Department of Health.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

21        ~~(5)~~~~(4)~~ "Dissolution of marriage" includes an annulment of  
22 marriage.

23        ~~(6)~~~~(5)~~ "Fetal death" means death prior to the complete  
24 expulsion or extraction of a product of human conception from  
25 its mother if the 20th week of gestation has been reached and  
26 the death is indicated by the fact that after such expulsion or  
27 extraction the fetus does not breathe or show any other evidence  
28 of life such as beating of the heart, pulsation of the umbilical  
29 cord, or definite movement of voluntary muscles.

30        ~~(7)~~~~(6)~~ "Final disposition" means the burial, interment,  
31 cremation, removal from the state, or other authorized  
32 disposition of a dead body or a fetus as described in subsection  
33 ~~(6)~~ ~~(5)~~. In the case of cremation, dispersion of ashes or  
34 cremation residue is considered to occur after final  
35 disposition; the cremation itself is considered final  
36 disposition.

37        ~~(8)~~~~(7)~~ "Funeral director" means a licensed funeral  
38 director or direct disposer licensed pursuant to chapter 497 or  
39 other person who first assumes custody of or effects the final  
40 disposition of a dead body or a fetus as described in subsection  
41 ~~(6)~~ ~~(5)~~.

42        ~~(9)~~~~(8)~~ "Legal age" means a person who is not a minor, or a  
43 minor who has had the disability of nonage removed as provided  
44 under chapter 743.

45        ~~(10)~~~~(9)~~ "Live birth" means the complete expulsion or  
46 extraction of a product of human conception from its mother,  
47 irrespective of the duration of pregnancy, which, after such  
48 expulsion, breathes or shows any other evidence of life such as  
49 beating of the heart, pulsation of the umbilical cord, and

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

definite movement of the voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.

(11)~~(10)~~ "Medical examiner" means a person appointed pursuant to chapter 406.

(12)~~(11)~~ "Physician" means a person authorized to practice medicine, osteopathic medicine, or chiropractic medicine pursuant to chapter 458, chapter 459, or chapter 460.

(13)~~(12)~~ "Registrant" means the child entered on a birth certificate, the deceased entered on a death certificate, and the husband or wife entered on a marriage or dissolution of marriage record.

(14) "Stillbirth" means an unintended, intrauterine fetal death after a gestational age of not less than 20 completed weeks.

(15)~~(13)~~ "Vital records" or "records" means certificates or reports of birth, death, fetal death, marriage, dissolution of marriage, name change filed pursuant to s. 68.07, and data related thereto.

(16)~~(14)~~ "Vital statistics" means a system of registration, collection, preservation, amendment, and certification of vital records, the collection of other reports required by this act, and activities related thereto, including the tabulation, analysis, and publication of data obtained from vital records.

Section 2. Section 382.0085, Florida Statutes, is created to read:

382.0085 Stillbirth registration.--

(1) The person who is required to file a fetal death certificate under this chapter shall advise the parent of a stillborn child:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

80        (a) That the parent may request the preparation of a  
81        certificate of stillbirth;

82        (b) That the parent may obtain a certificate of stillbirth  
83        by contacting the Office of Vital Statistics; and

84        (c) How the parent may contact the Office of Vital  
85        Statistics to request a certificate of stillbirth.

86        (2) To order a certificate of birth resulting in a  
87        stillbirth, a parent may provide a name for a stillborn child,  
88        the date of the event, and the county in which the event  
89        occurred on the request for a certificate of stillbirth. If a  
90        name does not appear on the fetal death certificate and the  
91        requesting parent does not wish to provide a name, the Office of  
92        Vital Statistics shall fill in the certificate with the name  
93        "baby boy" or "baby girl" and the last name of the parent. The  
94        name of the stillborn child provided on or later added by  
95        amendment to the certificate of stillbirth must be the same name  
96        as placed on the original or amended certificate of the fetal  
97        death report pursuant to s. 382.008.

98        (3) A certificate of stillbirth must include the state  
99        file number of the corresponding certificate of fetal death.

100       (4) By September 1, 2006, the department shall prescribe  
101       by rule the form and content of a certificate of stillbirth and  
102       shall specify the information necessary to prepare the  
103       certificate.

104       (5) The Office of Vital Statistics may not use a  
105       certificate of stillbirth to calculate live birth statistics.

106       (6) A parent may request that the Office of Vital  
107       Statistics issue a certificate of stillbirth regardless of the  
108       date on which the certificate of fetal death was issued.

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

(7) A certificate of stillbirth may not be issued to any person other than a parent listed on the fetal death certificate. A refusal by the Office of Vital Statistics to issue a certificate to a person who is not entitled to a certificate of stillbirth constitutes final agency action and is not subject to review under chapter 120.

(8) The Office of Vital Statistics may charge a fee for the certificate of stillbirth pursuant to s. 382.0255.

(9) A certificate of stillbirth must contain the statement "This certificate is not proof of a live birth."

(10) The department shall adopt rules to administer this section.

Section 3. Paragraph (a) of subsection (1) of section 382.0255, Florida Statutes, is amended to read:

382.0255 Fees.--

(1) The department is entitled to fees, as follows:

(a) Not less than \$3 or more than \$5 for the first calendar year of records searched or retrieved, including a certificate of stillbirth, and a computer certification of the record, a photocopy or birth card if a computer certification is not available, or, if a ~~no~~ record is not located, a certified statement to that effect. An additional fee of not less than \$3 or more than \$5 if a photocopy is requested in place of or in addition to a computer certification. Additional fees of not less than \$1 or more than \$2, up to a maximum total of \$50, shall be charged for additional calendar years of records searched or retrieved.

Section 4. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Remove the entire title and insert:

A bill to be entitled

An act relating to certificate of stillbirth; amending s. 382.002, F.S.; providing definitions; creating s. 382.0085, F.S.; requiring that the person required to file the fetal death certificate advise a parent of a stillborn child about the availability of a certificate of stillbirth; authorizing the parent to name the stillborn child on a certificate; requiring a state file number for the certificate; requiring the Department of Health to prescribe the form and content of the certificate by rule; prohibiting the Office of Vital Statistics within the Department of Health from using a certificate of stillbirth to calculate certain statistics; authorizing a parent to request a certificate of stillbirth without regard to the date on which the certificate of fetal death was issued; prohibiting certain persons from obtaining a certificate of stillbirth; authorizing the Office of Vital Statistics to charge a fee; requiring a certificate of stillbirth to contain certain information; requiring the department to adopt rules; amending s. 382.0255, F.S.; authorizing the department to collect fees for a search or retrieval of a certificate of stillbirth; providing an effective date.

[illegible]



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 523**

COUNCIL/COMMITTEE ACTION

ADOPTED ☐ (Y/N)  
ADOPTED AS AMENDED ☐ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT ☐ (Y/N)  
WITHDRAWN ☐ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Robaina offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 40-45:

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 15-16 and insert:

Section 1. Paragraph (a) of subsection (2) of section  
464.0195, Florida Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 5-9 and insert:

specified survey to further the center's goals; amending s.  
464.0196, F.S.;

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. **HB 523**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)

ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)

ADOPTED W/O OBJECTION ☒ (Y/N)

FAILED TO ADOPT \_\_\_\_\_ (Y/N)

WITHDRAWN \_\_\_\_\_ (Y/N)

OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation

Representative(s) Robaina offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 23-30 and insert:

demand, and future projections. The Board of Nursing shall incorporate the collection of workforce planning data as part of each advanced registered nurse practitioner, registered nurse, and licensed practical nurse application for licensure and biennial licensure renewal. Data shall be submitted to the center for analysis and workforce planning; and

2. Selecting from the plan priorities to be addressed.

===== T I T L E A M E N D M E N T =====

Remove line(s) 3-5 and insert:

amending s. 464.0195, F.S.; requiring the Board of Nursing to incorporate specified data as a prerequisite for certain licensure and licensure renewal; requiring

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. **HB 523**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation

Representative(s) Robaina offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 93 and insert:

shall be registered nurses and one of whom must be a certified  
registered nurse anesthetist.

Committee/Subcommittee on HEALTH CARE REGULATION Bill No. HB 587  
Meeting Date 2-22-06 Time 10:30 Am Place 212 Knott Bldg

☐ Favorable  
☒ Favorable with Amendments  
☐ Favorable with Committee Substitute  
☐ Unfavorable  
☐ Temporarily Deferred  
☐ Reconsidered

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 587**

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION ☒ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Galvano offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 122-128 and insert:

(t) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services must identify the type of license the practitioner holds. This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under chapter 395 or chapter 400. Each board or the department where there is no board is authorized by rule to determine how its practitioners may comply with this disclosure requirement.

===== T I T L E A M E N D M E N T =====

Remove line(s) 6-10 and insert:

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 providing that a practitioner's failure to identify  
22 the type of license under which he or she is  
23 practicing constitutes grounds for disciplinary  
24 action; providing exceptions; authorizing certain  
25 entities to determine compliance with a disclosure  
26 requirement; providing

000000

Committee/Subcommittee on HEALTH CARE REGULATION Bill No. HB 685

[illegible]

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 685**

COUNCIL/COMMITTEE ACTION

ADOPTED        (Y/N)  
ADOPTED AS AMENDED        (Y/N)  
ADOPTED W/O OBJECTION ✓ (Y/N)  
FAILED TO ADOPT        (Y/N)  
WITHDRAWN        (Y/N)  
OTHER           

Council/Committee hearing bill: Health Care Regulation  
Representative(s) Homan offered the following:

**Amendment (with directory and title amendments)**

Remove line(s) 168-170 and insert:

1. The person is engaged in the business of wholesaling prescription and veterinary legend drugs to persons:
  - a. Licensed as veterinarians practicing on a full time basis; or
  - b. Regularly and lawfully engaged in instruction in veterinary medicine; or
  - c. Regularly and lawfully engaged in law enforcement; or
  - d. For use in research, not involving clinical use; or
  - e. Chemical analysis or physical testing, for the purposes of instruction in law enforcement, research, or testing.

000000